

REMARKS

Claims 1-3, 6, 11-13 and 18 were pending and presented for examination and in this application. Claims 1, 3, and 13 have been amended. Following entry of the amendments, claims 1-3, 6, 11-13 and 18 will still be pending and at issue.

CLAIM OBJECTIONS

The Examiner objected to claim 13 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants respectfully disagree for reasons stated in the previous response. However, without agreeing with the Examiner, but to expedite prosecution, Applicants have amended claim 13 to address this objection. Claim 13 now depends from claim 1 rather than claim 6, and recites a claim scope different from that of claim 6. Applicants request withdrawal of the objection.

RESPONSE TO REJECTION UNDER 35 USC §101

The Examiner rejected claims 1-3, 6, 11-13 and 18 under 35 USC §101, as allegedly being based on non-statutory subject matter. This rejection is respectfully traversed. The Examiner indicated that the claims encompass a method that does not require any physical transformation and does not produce a useful, concrete, and tangible result. The Examiner indicated that the steps are each mental steps. The Examiner also indicated that the “outputting” step added involves merely moving the assessment from one physical storage location to another without providing a transformation or reduction of an article to a different state or thing. Applicants respectfully disagree for the reasons stated in the previous response. The Examiner also indicated that claim 1 as originally written, which recited “detecting” in steps (a) and (b) would be directed to statutory subject matter since it would require a physical detection step.

Without agreeing with the Examiner, but to expedite prosecution, Applicants have amended claim 1 to include the “detecting” steps suggested by the Examiner.

Applicants respectfully submit that claims 1-3, 6, 11-13 now recite patentable subject matter. Thus, Applicants request withdrawal of the rejection.

OBJECTION TO THE SPECIFICATION

The Examiner objected to the Specification under 35 USC §132(a) as introducing new matter. The Examiner indicated that the added incorporation by reference of the PCT and provisional application in the priority claim is new matter. Applicants respectfully disagree. However, without agreeing with the Examiner, but to expedite prosecution, Applicants have amended the specification to remove the incorporation by reference language. Thus, Applicants request withdrawal of the objection.

RESPONSE TO REJECTION UNDER 35 USC §112, PARAGRAPH 1

The Examiner rejected claims 1-3, 6, 11-13 and 18 under 35 USC §112, ¶ 1 as allegedly failing to comply with the written description requirement “because the claims contain new matter.” This rejection is respectfully traversed. The Examiner found that the “outputting” step included in independent claim 1 is not supported by the specification. Applicants respectfully disagree for the reasons set forth in the prior response. However, without agreeing with the Examiner, but to expedite prosecution, Applicants have amended claim 1 to remove the “outputting” step. Thus, Applicants request withdrawal of the rejection.

CONCLUSION

In sum, Applicants respectfully submit that claims 1-3, 6, 11-13 and 18, as presented herein, are in order for allowance. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
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